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"Rummaging in the government's attic"

Description of document: **Contents of the administrative tracking folder for the June 30, 2005, FOIA request from Congressman John Conyers and the Committee on the Judiciary and his colleagues, and emails, records, notes, memos, correspondence, interoffice materials, etc. associated with the processing of this request**

Requested date: 26-December-2005

Released date: 24-June-2008

Posted date: 04-July-2008

Date/date range of document: 15-July – 29-November-2005

Source of document: Department of Defense
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

Note:

Twenty-four (24) pages withheld in their entirety pursuant to 5 U.S.C. § 552(b)(5): attorney-client communications and attorney work-product deliberative and predecisional privilege, and 5 U.S.C. § 552(b)(6): information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

Portions of the enclosed documents are exempt from release pursuant to 5 U.S.C. § 552(b)(5) and (b)(6).

Additional redacted information is being withheld pursuant to 5 U.S.C. § 552(b)(2), which pertains to purely internal agency practices.

The remaining information is being withheld pursuant to 5 U.S.C. § 552(b)(3): information exempt from release by the following statutes:

- 10 U.S.C. § 130(b): personally identifying information regarding DoD personnel in overseas, sensitive, or routinely deployable units;
- 10 U.S.C. § 424: organizational and personnel information for the National Reconnaissance Office and Defense Intelligence Agency;
- 5 U.S.C. § 574: dispute resolution communication between a neutral and a party to the dispute

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**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

24 JUN 2008

Ref: 06-F-0687

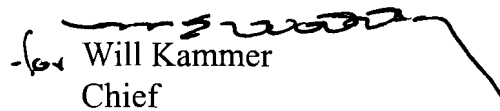
This is the final response to your Freedom of Information Act request dated December 26, 2005, for access to "a copy of the contents of the administrative tracking folder associated with the June 30, 2005, FOIA request on various subjects from Congressman John Conyers and the committee on the Judiciary and his colleagues." You additionally requested "any emails, records, notes, memos, correspondence, interoffice materials, etc. associated with the processing of this request." I apologize for the delay which resulted in the need to consult with other Department of Defense components and agencies.

In our letter dated February 10, 2006, we advised you that additional documents were still being processed within the Office of the Secretary of Defense. We have now completed the review of all responsive material. Mr. Michael Reheuser, an Initial Denial Authority for the Office of the General Counsel, has determined that 24 pages in their entirety are exempt from release pursuant to 5 U.S.C. § 552(b)(5), which applies to attorney-client communications and attorney work-product deliberative and pre-decisional privilege, and 5 U.S.C. § 552(b)(6), which pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

I have determined that portions of the enclosed documents are also exempt from release pursuant to 5 U.S.C. §§ 552(b)(5) and (b)(6). Additional redacted information is being withheld pursuant to 5 U.S.C. § 552(b)(2), which pertains to purely internal agency practices. The remaining information is being withheld pursuant to 5 U.S.C. § 552(b)(3) which pertains to information exempt from release by statute. In this instance, the following statutes apply: 10 U.S.C. § 130(b), which permits the withholding of personally identifying information regarding DoD personnel in overseas, sensitive, or routinely deployable units; 10 U.S.C. § 424, which permits the withholding of organizational and personnel information for the National Reconnaissance Office and Defense Intelligence Agency; and 5 U.S.C. § 574, which permits the withholding of dispute resolution communication between a neutral and a party to the dispute.

If you are not satisfied with this action, you may submit an administrative appeal to James Hogan, Chief, Policy, Appeals and Litigation Branch, Office of Freedom of Information, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal should be postmarked within 60 calendar days of the date of this letter, should cite to case number 06-F-0687, and should be clearly marked "Freedom of Information Act Appeal." There are no fees associated with this response in this instance.

Sincerely,


-6- Will Kammer
Chief

Enclosures:
As stated.

Hogan, James CIV WHS/ESD

From: (b)(6) CIV OSD OUSDI
Sent: Thursday, August 11, 2005 3:38 PM
To: Hogan, James, CIV, WHS/ESD
Subject: RE: Revised request from Congress (U)

UNCLASSIFIED

Jim,
Were going to revise the hours to 150. Thank you. (b)(6)

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, August 05, 2005 1:47 PM
To: 'Ferrell, Zsatiue L. '; O'rourke, Paul J, CDR, JCS SJS; 'Maryanne Stupar'; (b)(6); 'Andrews, MSgt Pamela (USAF)'; 'Scott, CIV Jacqueline (PKI)'; Trigilio, John, CIV, OSD-POLICY; Turner, James, CIV, OASD-PA; (b)(6)
(b)(6) CIV OSD OUSDI; (b)(6)
Cc: (b)(6) CIV, OSD-POLICY
Subject: Revised request from Congress

As you can see by the attached, the big request from Members of Congress had been revised. Please look it over, and give me a revised fee estimate, even if your revision hasn't changed any. I am working with the DoD OGC on this, and would appreciate an answer by Wednesday, Aug. 10.

Jim Hogan

Hogan, James CIV WHS/ESD

From: (b)(6) CIV, OASD-PA
Sent: Friday, July 22, 2005 11:37 AM
To: Hogan, James, CIV, WHS/ESD
Cc: (b)(6) OASD-PA
Subject: RE: Congressional request

Jim,

Staff tells me our part would be:
Press officers - 9 hours.
Support staff - 80 hours

Jim

-----Original Message-----

From: Hogan, James, CIV, WHS/ESD
Sent: Wednesday, July 20, 2005 12:46 PM
To: (b)(6) OASD-PA
Subject: RE: Congressional request

No problem, thanks. From what other OSD and DoD components have given me, looks like over \$500,000 will be the fee estimate to the Members!

From: (b)(6) OASD-PA
Sent: Wednesday, July 20, 2005 12:41 PM
To: Hogan, James, CIV, WHS/ESD
Cc: (b)(6) OASD-PA
Subject: RE: Congressional request

Not yet. Tomorrow by noon, I hope. (b)(6)

-----Original Message-----

From: Hogan, James, CIV, WHS/ESD
Sent: Wednesday, July 20, 2005 11:12 AM
To: Turner, James, CIV, OASD-PA
Subject: Congressional request

Jim,

I am preparing my letter to the Congressional request, and was wondering if you have any "wag" on search time.

Thanks,

Jim

Hogan, James CIV WHS/ESD

From: (b)(6)
Sent: Tuesday, August 30, 2005 10:12 AM
To: Hogan, James CIV WHS/ESD; Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC
Subject: RE: Response to Conyers

Go ahead

-----Original Message-----

From: Hogan, James CIV WHS/ESD
Sent: Tuesday, August 30, 2005 08:16
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6) DoD OGC
Subject: Response to Conyers

Gentlemen,

I haven't heard from any of you on this response I sent to you last week. Since I need to put this response in the mail tomorrow to Conyers, please let me know now if you have any comments. If I don't hear from you by 1200 tomorrow, I'll assume you don't have any recommended changes. Thank you.

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 24, 2005 12:47 PM
To: (b)(6) OSD-POLICY; (b)(6) OSD-POLICY
Subject: FW: Request from Congress
Attachments: Congressional Revision.tif

I sent the following message to Mr. Trigilio, and received his out office response. This is a hot FOIA request from Congress. What I need is an estimate of time that it would take NESA to search (not review) for the information in the request. I am working with Mr. Jimenez, OGC, on this. If you have any questions, please call me.

Jim Hogan
Office of Freedom of Information

(b)(2)

From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 24, 2005 12:41 PM
To: Trigilio, John, CIV, OSD-POLICY
Subject: Request from Congress

Mr. Trigilio,

Attached is the revised request that we received from Congress concerning the "Downing Street" memo. This is changed from the request we received over a month ago. OGC has asked me to get an estimate from DoD and OSD components on how long it would take to search (not review) for the requested information because it is our intention to charge the members for search fees. However, we are unable to finalize that until we get an estimate from you.

Thank you,

Jim Hogan

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, August 05, 2005 1:47 PM
To: 'Ferrell, Zsatique L. '; O'rourke, Paul J, CDR, JCS SJS; 'Maryanne Stupar'; 'Linda Hall'; 'Andrews, MSgt Pamela (USAF)'; 'Scott, CIV Jacqueline (PKI)'; Trigilio, John, CIV, OSD-POLICY; Turner, James, CIV, OASD-PA; (b)(6) CIV OSD OUSDI; (b)(6)
(b)(6)
Cc: Steene, Shawn, CIV, OSD-POLICY
Subject: Revised request from Congress
Attachments: Congressional Revision.tif

As you can see by the attached, the big request from Members of Congress had been revised. Please look it over, and give me a revised fee estimate, even if your revision hasn't changed any. I am working with the DoD OGC on this, and would appreciate an answer by Wednesday, Aug. 10.

Jim Hogan

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD

Sent: Tuesday, July 26, 2005 4:21 PM

To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6)

Subject: More search time

This just in from USCENTCOM: 350 hours of search time. I'll update the letter. USEUCOM probably will have minimal search time, if any.

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Tuesday, July 26, 2005 4:18 PM
To: (b)(6) DoD OGC; (b)(6) DoD OGC; Jimenez, Frank, Mr, DoD OGC
Subject: Response to request from Members of Congress
Attachments: 05-F-1956.doc

Attached is our final version of our response letter. Please let me know of any comments any of you may have on this.

By the way, here's a breakdown from various components on estimated search time (in hours):

OSD:
USD(I) 300
OASD(PA) 89
ODASD(NESA) None, yet.

Joint Staff: 240
NRO 10
DIA 500
NGA 200
NSA still working, but at 2 hours plus some computer time.

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Tuesday, July 19, 2005 10:12 AM
To: (b)(6) CIV OSD OUSDI
Subject: Congressional Request
Attachments: Congressional Request.tif

(b)(6)

First of all, I don't remember, are you in USD(I) or NII (that reorganization still confuses me)? When I called you, I called the number in the phone book for USD(I). If you are in NII, who should I work with in USD(I)?

Anyway, this is the request in question. I see the primary issue for USD(I) is item 3 of the request. It's possible that item 2 would be an issue; however, I've asked the staffer to go back to the Members and tell us specifically what "subjects" they are talking about.

This is a FOIA request, and not an official request from a Congressional committee. Therefore, we treat this as any other FOIA request. Right now, all I need is an estimate of search (not review) time. No search for documents should be initiated until later.

Thank you for your help,

Jim Hogan

(b)(2)

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 3:37 PM
To: Trigilio, John, CIV, OSD-POLICY
Cc: (b)(6) CIV, OSD-POLICY
Subject: Congressional Request
Attachments: Congressional Request.tif

Mr. Trigilio,

(b)(6) suggested that I contact you directly. We have received the attached FOIA request from 50 members of Congress. It is our intention to deny the members the fee waiver; however, before doing so, we are asking all the affected DoD components to estimate the amount of search time (not review or other administrative time) it would take to find the requested documents. Please include the time it would take to search for documents at Suitland. Given the sensitivity of this, please have someone get back to me as soon as possible with the estimated search time. Also, be aware that we may have to defend this estimate in court. For your information, I am also consulting with OGC and Department of Justice.

Jim Hogan
Office of Freedom of Information and Security Review

(b)(2)

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 2:51 PM
To: Happoldt, Anita O, CIV, JCS SJS; O'rourke, Paul J, CDR, JCS SJS
Subject: Congressional Request
Importance: High
Attachments: Congressional Request.tif

Anita and Paul,

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requesters know. Then, if and when the fee issue is settled, we will refer this for search.

Please estimate the number of hours it will take for the Joint Staff to search (not review or any other time) for the responsive information, and get back to me ASAP with that estimate. Please understand we may have to defend this estimate in court.

This request has high visibility in DoD, and it is imperative that you get back to me as soon as you can.
Thank you,

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 1:47 PM
To: (b)(6) 'foia@nro.mil'
Subject: Congressional Request
Importance: High
Attachments: Congressional Request.tif

(b)(6) and (b)(6)

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requesters know. Then, if and when the fee issue is settled, we will refer this for direct response.

Please estimate the number of hours it will take for your organization to search (not review or any other time) for the information responsive to items 2 and 3. I need this answer ASAP, obviously. Also, please respond to let me know that you received this.

Thank you,

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 1:29 PM
To: 'Greg L. Outlaw' (b)(2)@eucom.mil); 'Scott, CIV Jacqueline (PKI)'; 'Scott Kinsey'
Subject: Congressional Request
Importance: High
Attachments: Congressional Request.tif

Greg, Scott, and Jackie,

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requesters know. Then, if and when the fee issue is settled, we will refer this for direct response.

Please estimate the number of hours it will take for your organization to search (not review or any other time) for the responsive information, and get back to me ASAP with that estimate. Please understand we may have to defend this estimate in court.

This request has high visibility in DoD, and it is imperative that you get back to me as soon as you can. For EUCOM, the relevant item for you is #5, for Operation Northern Watch. For CENTCOM, it would be items 1, 3, 4, and 5. For DIA, items 2 and 3.

Thank you,

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 1:17 PM
To: Turner, James, CIV, OASD-PA
Subject: The Congressional Request
Attachments: Congressional Request.tif

Jim,

Remember that request from Congress? If not, it's attached.

Anyway, I'm going out to the components to get an estimate of fees. Please look at item #3, and give me an estimate of how many hours it would take Public Affairs to search for this information. Just so you know, it may be the case that we would have to defend this estimate in court.

Thank you,

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 24, 2005 12:41 PM
To: Trigilio, John, CIV, OSD-POLICY
Subject: Request from Congress
Attachments: Congressional Revision.tif

Mr. Trigilio,

Attached is the revised request that we received from Congress concerning the "Downing Street" memo. This is changed from the request we received over a month ago. OGC has asked me to get an estimate from DoD and OSD components on how long it would take to search (not review) for the requested information because it is our intention to charge the members for search fees. However, we are unable to finalize that until we get an estimate from you.

Thank you,

Jim Hogan

Hogan, James CIV WHS/ESD

From: Hogan, James CIV WHS/ESD
Sent: Tuesday, August 30, 2005 8:14 AM
To: Jimenez, Frank, Mr, DoD OGC; (b)(6) DoD OGC; (b)(6) DoD OGC
Subject: Response to Conyers
Attachments: 05-F-1956.doc



05-F-1956.doc (40 KB)

entlemen,

I haven't heard from any of you on this response I sent to you last week. Since I need to put this response in the mail tomorrow to Conyers, please let me know now if you have any comments. If I don't hear from you by 1200 tomorrow, I'll assume you don't have any recommended changes. Thank you.

Jim

Hogan, James CIV WHS/ESD

From: Hogan, James CIV WHS/ESD
Sent: Tuesday, November 29, 2005 3:22 PM
To: Whitman, Bryan, SES, OASD-PA; (b)(6) CIV, OSD-LA; (b)(6)
DoD OGC (b)(6); Jimenez, Frank, Mr, DoD OGC
Cc: Kammer, William CIV WHS/ESD
Subject: FOIA Request from Congressman Conyers
Attachments: Response to Conyers.tif



Response to
Conyers.tif (212 K...

Gentlemen,

If you remember, over 2 months ago the attached was sent to Congressman Conyers in response to his FOIA request. Since then, nothing has been heard from his office, until today. I received a call from someone today asking how the processing of the FOIA request was coming, and I asked them if they had received our September 1 response. I was told that they had not. So, as soon as I send this message, I will fax it to the Congressman's office. This is a heads up incase this creates any publicity.

Jim Hogan
Chief, FOIA Policy, Appeals, and Litigation

(b)(2)

Hogan, James CIV WHS/ESD

From: Kammer, William CIV WHS/ESD
Sent: Tuesday, November 29, 2005 3:26 PM
To: O'Connor, Peter CIV WHS/ESD (peter.o'connor@whs.mil)
Cc: Hogan, James CIV WHS/ESD (James.Hogan@dfoisr.whs.mil)
Subject: "Off Line" Hot Intern

(b)(5)



(b)(6) CTR WHS/ESD

From: Hogan, James, CIV, WHS/ESD
Sent: Wednesday, August 17, 2005 10:16 AM
To: (b)(6) CTR, WHS/ESD
Subject: Letter to 51 members of congress

(b)(6)

I haven't heard anything from the attorneys - please press on with the letters.

Jim

(b)(6) CTR, WHS/ESD

From: Kammer, William, CIV, WHS/ESD
Sent: Tuesday, August 09, 2005 3:01 PM
To: (b)(6) CIV, WHS/ESD; (b)(6) CTR, WHS/ESD
Cc: Hogan, James, CIV, WHS/ESD
Subject: RE: FOIA Case 05-F-1956, Congressman John Conyers, Committee on the Judiciary

Hold the presses gentlemen. I talked to Jim and he told me he had already sent out an electronic tasker for the cost estimate, so forget that issue.

From: (b)(6) CIV, WHS/ESD
Sent: Tuesday, August 09, 2005 2:40 PM
To: (b)(6) CTR, WHS/ESD
Cc: Kammer, William, CIV, WHS/ESD; Hogan, James, CIV, WHS/ESD
Subject: FOIA Case 05-F-1956, Congressman John Conyers, Committee on the Judiciary

(b)(6)

I have assigned the subject case to you for processing. Please note that this request has a high level interest and should be handled as expeditiously as possible.

Will would like to see the proposed tasker to the DoD components. At this time, we are looking for a cost estimate only.

Please let me know if you have any questions.

(b)(6)

Senior Advisor, Information and Privacy
Office of Freedom of Information and Security Review
1155 Defense Pentagon
Washington, DC 20301-1155
Voice (b)(2)
FAX (703) 696-4506

(b)(6) CIV, WHS/ESD

From: (b)(6) CIV, WHS/ESD
Sent: Tuesday, August 09, 2005 2:40 PM
To: (b)(6) CTR, WHS/ESD
Cc: Kammer, William, CIV, WHS/ESD; Hogan, James, CIV, WHS/ESD
Subject: FOIA Case 05-F-1956, Congressman John Conyers, Committee on the Judiciary
Attachments: 05-F-1956 Interim Reply.pdf; 05-F-1956 Original Request.pdf; 05-F-1956 Amended Request.pdf

(b)(6)

I have assigned the subject case to you for processing. Please note that this request has a high level interest and should be handled as expeditiously as possible.

Will would like to see the proposed tasker to the DoD components. At this time, we are looking for a cost estimate only.

Please let me know if you have any questions.

(b)(6)

Senior Advisor, Information and Privacy
Office of Freedom of Information and Security Review
1155 Defense Pentagon
Washington, DC 20301-1155
Voice (b)(2)
FAX (703) 696-4506

ACTION: WTP; CLOSED: 9-1-05; CHARGES: NO; COMPLETED: NO

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No: _____

ACTION ASSIGNED TO: (b)(6) TEAM: (A) B C PMB REVIEWER: JH CARD _____
TYPE REQUEST: Appeal Commercial Educational News/Media NonCom/Scientific (Other) _____
EXPEDITED RESPONSE REQUESTED _____ GRANT? Y N DMDC/DCII CHECK _____
UP-FRONT DOCUMENT SEARCH _____ DATE RECEIVED: _____
REMARKS: _____

CLOSED

(ASBCA) Armed Services Board of Contract Appeals
(AT&L) Acquisition, Technology, & Logistics
(AS&C) Advanced Systems & Concepts
(DARPA) Defense Advanced Research Projects Agency
(DPAP) Defense Procurement & Acquisition Policy
(DARC) Defense Acquisition Regulation Council
(DDR&E) Defense Research and Engineering
(DS) Defense Systems
(DSB) Defense Science Board
(DSMC) Defense Systems Management College
(DUSDAR) DUSD Acquisition Reform
(ECOADJ) Economic Adjustment
(I&E) Installations & Environment
(JSFPO) Joint Strike Force Program Office
(L&MR) Logistics & Material Readiness
(DMEA) Defense Micro Electronics Activity
(IC) International Cooperation
(MDA) Missile Defense Agency
(NCB) Nuclear, Chemical, & Biological Defense Programs
(SADBU) Small & Disadvantaged Business Utilization
(SPPGMS) Special Programs
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)
(COMP) Comptroller
(PA&E) Program Analysis & Evaluation
(DAU) Defense Acquisition University
(DPO) Defense Privacy Office
(DSO-Iraq) Defense Support Office - Iraq, formerly (CPA)

(EXSEC) The Exec. Secretariat
(I) Intelligence
(JFSC) Joint Forces Staff College
(JS) Joint Staff
(LA) Legislative Affairs
(NDU) National Defense University
(NII) Networks and Information Integration
(NSPS) National Security Personnel System
(NSSG) National Security Study Group
(OGC) Office of General Counsel
(DOHA) Director, Office of Hearings and Appeals
(OSAWHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison
(OT&E) Operational Test & Evaluation
(PA) Public Affairs
(P&R) Personnel & Readiness
(CPMS) Civilian Personnel Management Service
(DEOMI) Defense Equal Opportunity Management Institute
(DMDC) Defense Manpower Data Center
(SAID) Statistical Information Analysis Division
(FVAP) Federal Voting Assistance Program
(HA) Health Affairs
(DHSD) Deployment Health Support
(RA) Reserve Affairs
(USUHS) Uniformed Services University of Health Sciences
(PFFA) Pentagon Force Protection Agency
(USDP) USD (Policy)
(DTSA) Defense Technology Security Administration

(ISA) International Security Affairs
(AFRA) African Affairs
(APA) Asian and Pacific Affairs
(DPMO) Defense POW Missing Personnel Affairs Office
(NESAA) Near Eastern & South Asian Affairs
(WHA) Western Hemisphere Affairs
(ISP) International Security Policy
(CPP) Counter Proliferation Policy
(CTR) Cooperative Threat Reduction
(EURNATO) European and NATO Affairs
(NF&MDP) Nuclear Forces and Missile Defense Policy
(NNAC) Non-Nuclear Arms Control
(NPP) Non-Proliferation Policy
(NS&S) Nuclear Safety & Security
(RP&CP) Requirements, Plans, and Counter Proliferation Policy
(RUE) Russia, Ukraine, Eurasia
(SACP) Strategic Arms Control Policy
(SFO) Strategy, Forces, & Operations
(DSCA) Defense Security Cooperation Agency
(SO/LIC) Special Operations and Low Intensity Conflict
(CN) Counter Narcotics
(CT) Combating Terrorism
(SO) Stability Operations
(ODA) Office of Detainee Affairs
(ODNA) Office of the Director, Net Assessment

ORIGINAL

(Strategy) DASD Also Former (PS) Policy Support Records
(WHMO) White House Military Office
(WHS) Washington Headquarters Services
(A&P) Acquisition & Procurement
(APSD) Administration & Program Support
(ESD) Executive Services Directorate
(DFD) Defense Facilities
(FMD) Financial Management
(GC) General Counsel
(HRD) Human Resources
(P&E) Planning & Evaluation
(PENREN) Pentagon Renovation & Construction Program Office

ARMY	DTIC
NAVY	DTRA
USAF	NGA
USMC	N. GUARD
CENTCOM	NSA
EUCOM	NSC
JFCOM	SHAPE
NORTHCOM	TRICARE
PACOM	
SOCOM	CIA
SOUTHCOM	C. GUARD
STRATCOM	DEA
TRANSCOM	DHS
DCAA	DOE
DCMA	DOJ
DECA	DOL
DFAS	FBI
DIA	FEMA
DISA	NARA
DLA	ONDCP
DoDIG	S. SVC
DoDEA	STATE
DSS	

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No:

05-F-1956

ACTION ASSIGNED TO

TEAM: A B C PMB

REVIEWER CARD

TYPE REQUEST: Appeal Commercial Educational News/Media NonCom/Scientific Other

EXPEDITED RESPONSE REQUESTED GRANT? Y N

DMDC/DCII CHECK

UP-FRONT DOCUMENT SEARCH

DATE RECEIVED:

REMARKS: Congress request

CLOSED WITHDRAWN

(ASBCA) Armed Services Board of Contract Appeals
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(DS) Defense Systems
(DSB) Defense Science Board
(DSMC) Defense Systems Management College
(DUSDAR) DUSD Acquisition Reform
(ECOADJ) Economic Adjustment
(I&E) Installations & Environment
(JSFPO) Joint Strike Force Program Office
(L&MR) Logistics & Material Readiness
(DMEA) Defense Micro Electronics Activity
(IC) International Cooperation
(MDA) Missile Defense Agency
(NCB) Nuclear, Chemical, & Biological Defense Programs
(SADBU) Small & Disadvantaged Business Utilization
(SPPGMS) Special Programs
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)
(COMP) Comptroller
(PA&E) Program Analysis & Evaluation
(DAU) Defense Acquisition University
(DPO) Defense Privacy Office
(DSO-Iraq) Defense Support Office - Iraq, formerly (CPA)

(EXSEC) The Exec. Secretariat
(I) Intelligence
(JFSC) Joint Forces Staff College
(JS) Joint Staff
(LA) Legislative Affairs
(NDU) National Defense University
(NI) Networks and Information Integration
(NSPS) National Security Personnel System
(NSSG) National Security Study Group
(OGC) Office of General Counsel
(DOHA) Director, Office of Hearings and Appeals
(OSAWHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison
(OT&E) Operational Test & Evaluation
(PA) Public Affairs
(P&R) Personnel & Readiness
(CPMS) Civilian Personnel Management Service
(DEOMI) Defense Equal Opportunity Management Institute
(DMDC) Defense Manpower Data Center
(SAID) Statistical Information Analysis Division
(FVAP) Federal Voting Assistance Program
(HA) Health Affairs
(DHSD) Deployment Health Support
(RA) Reserve Affairs
(USUHS) Uniformed Services University of Health Sciences
(PFPA) Pentagon Force Protection Agency
(USDP) USD (Policy)
(DTSA) Defense Technology Security Administration

(ISA) International Security Affairs
(AFRA) African Affairs
(APA) Asian and Pacific Affairs
(DPMO) Defense POW Missing Personnel Affairs Office
(NESAA) Near Eastern & South Asian Affairs
(WHA) Western Hemisphere Affairs
(ISP) International Security Policy
(CPP) Counter Proliferation Policy
(CTR) Cooperative Threat Reduction
(EURNATO) European and NATO Affairs
(NF&MDP) Nuclear Forces and Missile Defense Policy
(NNAC) Non-Nuclear Arms Control
(NPP) Non-Proliferation Policy
(NS&S) Nuclear Safety & Security
(RP&CP) Requirements, Plans, and Counter Proliferation Policy
(RUE) Russia, Ukraine, Eurasia
(SACP) Strategic Arms Control Policy
(SFO) Strategy, Forces, & Operations
(DSCA) Defense Security Cooperation Agency
(SO/LIC) Special Operations and Low Intensity Conflict
(CN) Counter Narcotics
(CT) Combating Terrorism
(SO) Stability Operations
(ODA) Office of Detainee Affairs
(ODNA) Office of the Director, Net Assessment

AMENDED

(Strategy) DASD
Also Former (PS) Policy Support Records
(WHMO) White House Military Office
(WHS) Washington Headquarters Services
(A&P) Acquisition & Procurement
(APSD) Administration & Program Support
(ESD) Executive Services Directorate
(DFD) Defense Facilities
(FMD) Financial Management
(GC) General Counsel
(HRD) Human Resources
(P&E) Planning & Evaluation
(PENREN) Pentagon Renovation & Construction Program Office

ARMY	DTIC	
NAVY	DTRA	
USAF	NGA	X
USMC	N. GUARD	
CENTCOM	NSA	X
EUCOM	NSC	
JFCOM	SHAPE	
NORTHCOM	TRICARE	
PACOM	NRO	X
SOCOM	CIA	
SOUTHCOM	C. GUARD	
STRATCOM	DEA	
TRANSCOM	DHS	
DCAA	DOE	
DCMA	DOJ	
DECA	DOL	
DFAS	FBI	
DIA	FEMA	X
DISA	NARA	
DLA	ONDCP	
DoDIG	S. SVC	
DoDEA	STATE	
DSS		

U. S. HOUSE OF REPRESENTATIVES

Committee on the Judiciary
Democratic Staff Office
B-351 Rayburn House Office Building
Washington, D.C. 20515
Fax: (202) 225-7680

FACSIMILE COVER LETTER

TO: (b)(6)FAX NO: 703-696-4527 # PAGES: 2 (including this page)

FROM: ☐ GREG BARNES ☐ KANYA BENNETT
☐ DANIELLE BROWN ☐ MIA CHESTER
☒ STACEY DANSKY ☐ VERONICA ELIGAN
☐ SAMPAK GARG ☐ MICHONE JOHNSON
☐ TED KALO ☐ KEENAN KELLER
☐ STEPHANIE MOORE ☐ MICHELLE PERSAUD
☐ NOLAN RAPPAPORT ☐ MICHELLE RICHARDSON
☐ TERESA VEST ☐ KRISTIN WELLS

COMMENTS: Please let me know if you need
anything else

If parts of this transmission are unclear or transmission
was faulted, please call: (202) 225-6906.

MEMO FOR RECORD

9/2/2005

05-F-1953

Here's a breakdown of the estimated search time:

NESA	300 hours
PA	89
JS	100
CENTCOM	500
NGA	1000
NRO	10
DIA	350-500
USD(I)	150

Jim Hogan

Hogan, James, CIV, WHS/ESD

From: Maryanne Stupar [mgstupa@nsa.gov]
Sent: Wednesday, August 03, 2005 2:56 PM
To: Hogan, James, CIV, WHS/ESD
Subject: Re: FOIA Request you are coordinating across DoD agencies

Jim,

We finally got a decent reply from the SID organizations who would need to search.
This is their estimate:

4 people at the GS9-15 (\$44) rate X 2087 hrs (1 year) = \$367,312
1 person at the GS9-15 (\$44) rate X 1565 hrs (3/4 year) = \$68,860
1 person at the GS9-15 (\$44) rate X 96 hrs = \$4224
1 person at the SCE (\$75) rate X 689 hrs = \$51,675

Finally, in the process, we figured out that our General Counsel's Office would also have records. Their estimate is

1 person at GS9-15 rate (\$44) X 24 hrs. = \$1056

This should conclude our estimate. If you have any questions, please feel free to give Pamela or me a call. Thanks!!

Marianne
FOIA/PA Office
NSA
301-688-6527

----- Original Message -----

From: Hogan, James, CIV, WHS/ESD
To: 'Maryanne Stupar'
Sent: Wednesday, July 20, 2005 1:20 PM
Subject: RE: FOIA Request you are coordinating across DoD agencies

Maryanne,

OK, thank you very much, this helps. My guess is that SID will have a lot of time.

Jim

From: Maryanne Stupar [mailto:mgstupa@nsa.gov]
Sent: Wednesday, July 20, 2005 1:20 PM
To: Hogan, James, CIV, WHS/ESCD
Cc: mgstupa@nsa.gov
Subject: FOIA Request you are coordinating across DoD agencies

Jim

8/3/2005

I checked with both of the POCs to whom I sent the search estimate request for that FOIA request from members of Congress.

One POC (from the SIGINT Directorate) is out in class through Friday. So I will have to see if I can coordinate SID's response with someone else in her office and get back to you on that portion.

The other POC (the SIGINT reports database office), gave me an estimate of \$445.76. Her search would require two hours at the professional rate of \$44/hr. and two hours of machine search on Anchory. Anchory costs are \$178.88/hr. So it's \$88 for a person and \$357.76 for a machine. What we do in our estimates back to requesters is give them the total (\$445.76) and deduct their two free hours (\$88) and quote them the difference (\$357.76) as their assessable fees.

I will email you again, as soon as I have the SID response.

Thanks!
Marianne Stupar
NSA FOIA Office
301-688-6527

8/3/2005

Hogan, James CIV WHS/ESD

From: (b)(6) CIV, OSD-POLICY (b)(6)@osd.mil]
Sent: Wednesday, August 24, 2005 4:54 PM
To: (b)(6) CIV, OSD-POLICY; Hogan, James CIV WHS/ESD
Cc: (b)(6) CTR, OSD-POLICY; (b)(6) LTC (USA), OSD-POLICY; (b)(6) CIV, OSD-POLICY
Subject: RE: Request from Congress
Importance: High

(b)(6) ---

I estimate (on the basis of the Weinberger/Aziz FOIA, as well as the earlier FOIA request for documents with respect to the INC) that this FOIA request would result in roughly 300 work hours for NESA-Northern Gulf alone. There would also be work hours incurred by other units (i.e., CENTCOM, Joint Staff, so on).

(b)(6)

-----Original Message-----

From: (b)(6) CIV, OSD-POLICY
Sent: Wednesday, August 24, 2005 3:36 PM
To: (b)(6) CIV, OSD-POLICY
Cc: (b)(6) CTR, OSD-POLICY; (b)(6) LTC (USA), OSD-POLICY; (b)(6) CIV, OSD-POLICY
Subject: FW: Request from Congress

(b)(6)

Attached is the FOIA in question. We just need the SWAG for the time NESA would need to search the NESA-related documents. We wouldn't be the lead-agency or otherwise responsible for the stuff about Northern Watch and Southern Watch, etc.

Please extrapolate from your Weinberger-Aziz FOIA and generate an estimate we can provide to Mr. Hogan.

V/R,

(b)(6)

OSD Policy / NESA Northern Gulf
Pentagon Room 1A939

(b)(6)

-----Original Message-----

From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 24, 2005 12:48 PM
To: (b)(6) CIV, OSD-POLICY; (b)(6) LTC (USA), OSD-POLICY
Subject: FW: Request from Congress

I sent the following message to Mr. Trigilio, and received his out office response. This is a hot FOIA request from Congress. What I need is an estimate of time that it would take NESA to search (not review)

for the information in the request. I am working with Mr. Jimenez, OGC, on this. If you have any questions, please call me.

Jim Hogan
Office of Freedom of Information

(b)(2)

From: Hogan, James CIV WHS/ESD
Sent: Wednesday, August 24, 2005 12:41 PM
To: Trigilio, John, CIV, OSD-POLICY
Subject: Request from Congress

Mr. Trigilio,

Attached is the revised request that we received from Congress concerning the "Downing Street" memo. This is changed from the request we received over a month ago. OGC has asked me to get an estimate from DoD and OSD components on how long it would take to search (not review) for the requested information because it is our intention to charge the members for search fees. However, we are unable to finalize that until we get an estimate from you.

Thank you,

Jim Hogan

Hogan, James CIV WHS/ESD

From: O'Rourke, Paul J, CDR, JCS SJS
Sent: Monday, July 18, 2005 4:51 PM
To: Hogan, James, CIV, WHS/ESD; Happoldt, Anita O, CIV, JCS SJS
Cc: (b)(6) CIV, JCS SJS; (b)(6) CIV, JCS SJS
Subject: RE: Congressional Request

Jim,

Some of the categories require a little tighter definition. We estimate about 240 man hours to go through records all the way back to 1995. That is man hours, pulling some of those folks away from current work to give up the search hours is another story. Getting that amount of time out of people might take months. We aren't really sure what we might really find in some of those categories. Definitely a lot there for DIA and the COCOMS.

R/CDR Paul O'Rourke
Chief (Acting), Information Management Division

(b)(2)

-----Original Message-----

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 2:51 PM
To: Happoldt, Anita O, CIV, JCS SJS; O'Rourke, Paul J, CDR, JCS SJS
Subject: Congressional Request
Importance: High

Anita and Paul,

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requesters know. Then, if and when the fee issue is settled, we will refer this for search.

Please estimate the number of hours it will take for the Joint Staff to search (not review or any other time) for the responsive information, and get back to me ASAP with that estimate. Please understand we may have to defend this estimate in court.

This request has high visibility in DoD, and it is imperative that you get back to me as soon as you can. Thank you,

Jim

Hogan, James CIV WHS/ESD

From: Happoldt, Anita O, CIV, JCS SJS
Sent: Monday, August 08, 2005 5:02 PM
To: Hogan, James, CIV, WHS/ESD
Cc: O'rourke, Paul J, CDR, JCS SJS
Subject: Revised Congressional request

Jim,

I come up with 100 hours search time and 500 hours review, coord and final processing time. Need anything else let me know. Have a good one.

v/r
Anita

Hogan, James CIV WHS/ESD

From: (b)(6)
Sent: Monday, July 18, 2005 2:18 PM
To: Hogan, James, CIV, WHS/ESD
Subject: RE: Congressional Request

Jim

(b)(5),(b)(6)

(b)(6)

FOIA Specialist

National Geospatial-Intelligence Agency

(b)(2)

-----Original Message-----

From: (b)(6)
Sent: Friday, July 15, 2005 3:24 PM
To: (b)(6)
Subject: FW: Congressional Request
Importance: High

FYI.

-----Original Message-----

From: Hogan, James, CIV, WHS/ESD [mailto:James.Hogan@dfoisr.whs.mil]
Sent: Friday, July 15, 2005 1:47 PM
To: (b)(6) foia@nro.mil
Subject: Congressional Request
Importance: High

(b)(6) and (b)(6)

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requesters know. Then, if and when the fee issue is settled, we will refer this for direct response.

Please estimate the number of hours it will take for your organization to search (not review or any other time) for the information responsive to items 2 and 3. I need this answer ASAP, obviously. Also, please respond to let me know that you received this.

Thank you,

Jim

1/5/2006

Hogan, James CIV WHS/ESD

From: (b)(3),10 USC §424
Sent: Friday, July 15, 2005 2:45 PM
To: Hogan, James, CIV, WHS/ESD
Subject: RE: Congressional Request

We estimate 10 hours of search time . . . we do work on Friday's.

(b)(3),10
USC

-----Original Message-----

From: Hogan, James, CIV, WHS/ESD [mailto:James.Hogan@dfoisr.whs.mil]
Sent: Friday, July 15, 2005 1:47 PM
To: (b)(6) foia@nro.mil
Subject: Congressional Request
Importance: High

(b)(3),10
USC and (b)(6)

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requesters know. Then, if and when the fee issue is settled, we will refer this for direct response.

Please estimate the number of hours it will take for your organization to search (not review or any other time) for the information responsive to items 2 and 3. I need this answer ASAP, obviously. Also, please respond to let me know that you received this.

Thank you,

Jim

Hogan, James CIV WHS/ESD

From: (b)(3):5 USC §574(j), (b)(3):10 USC §424

Sent: Tuesday, July 19, 2005 11:29 AM

To: Hogan, James, CIV, WHS/ESD

Cc: (b)(3):5 USC §574(j), (b)(3):10 USC §424

Subject: Congressional Request

Jim: This is a follow-up to our telephone conversation this morning. After contact with all the responsive offices we have come up with a figure of about 500 hours of search time in response to the request from Congress. Let me know if you need any additional information.

(b)(3):5 USC
§574(j), (b)(3):10 USC §424

DIA

Hogan, James CIV WHS/ESD

From: Maryanne Stupar [mgstupa@nsa.gov]
Sent: Wednesday, August 10, 2005 1:55 PM
To: Hogan, James, CIV, WHS/ESD
Subject: Re: Revised request from Congress

Jim,

(U) This is NSA's formal reply to the revised request from members of Congress. The two paragraphs below are from our OGC and only pertain to Item 3 of the request. The remaining items of the request are not in NSA's purview.

(U) NSA does not have responsive records. NSA does not prepare the final analysis of collected intelligence; rather, NSA collects and provides it to policy and decision makers and other customers for final analysis. Additionally, the requester wants documents that pertain to "synthesizing collected intelligence."

(U//FOUO) (b)(5)

Please let me or Pamela know if you need any more input for this request.
Thanks!

Marianne Stupar
FOIA/PA Office
NSA
301-688-6527

----- Original Message -----

From: Hogan, James, CIV, WHS/ESD
To: 'Ferrell, Zsathique L. ' ; O'rourke, Paul J, CDR, JCS SJS ; 'Maryanne Stupar' ; 'Linda Hall' ; 'Andrews, MSgt Pamela (USAF)' ; 'Scott, CIV Jacqueline (PKI)' ; Trigilio, John, CIV, OSD-POLICY ; Turner, James, CIV, OASD-PA ; (b)(6) ; Ms CIV OSD OUSDI ; (b)(6)
Cc: (b)(6) CIV, OSD-POLICY
Sent: Friday, August 05, 2005 1:47 PM
Subject: Revised request from Congress

As you can see by the attached, the big request from Members of Congress had been revised. Please look it over, and give me a revised fee estimate, even if your revision hasn't changed any. I am working with the DoD OGC on this, and would appreciate an answer by Wednesday, Aug. 10.

Jim Hogan

Hogan, James CIV WHS/ESD

From: Maryanne Stupar [mgstupa@nsa.gov]
Sent: Wednesday, July 20, 2005 1:20 PM
To: Hogan, James, CIV, WHS/ESD
Cc: mgstupa@nsa.gov
Subject: FOIA Request you are coordinating across DoD agencies

Jim

I checked with both of the POCs to whom I sent the search estimate request for that FOIA request from members of Congress.

One POC (from the SIGINT Directorate) is out in class through Friday. So I will have to see if I can coordinate SID's response with someone else in her office and get back to you on that portion.

The other POC (the SIGINT reports database office), gave me an estimate of \$445.76. Her search would require two hours at the professional rate of \$44/hr. and two hours of machine search on Anchory. Anchory costs are \$178.88/hr. So it's \$88 for a person and \$357.76 for a machine. What we do in our estimates back to requesters is give them the total (\$445.76) and deduct their two free hours (\$88) and quote them the difference (\$357.76) as their assessable fees.

I will email you again, as soon as I have the SID response.

Thanks!
Marianne Stupar
NSA FOIA Office
301-688-6527

Hogan, James CIV WHS/ESD

From: Maryanne Stupar [mgstupa@nsa.gov]
Sent: Wednesday, August 03, 2005 2:56 PM
To: Hogan, James, CIV, WHS/ESD
Subject: Re: FOIA Request you are coordinating across DoD agencies

Jim,

We finally got a decent reply from the SID organizations who would need to search.
This is their estimate:

4 people at the GS9-15 (\$44) rate X 2087 hrs (1 year) = \$367,312
1 person at the GS9-15 (\$44) rate X 1565 hrs (3/4 year) = \$68,860
1 person at the GS9-15 (\$44) rate X 96 hrs = \$4224
1 person at the SCE (\$75) rate X 689 hrs = \$51,675

Finally, in the process, we figured out that our General Counsel's Office would also have records. Their estimate is

1 person at GS9-15 rate (\$44) X 24 hrs. = \$1056

This should conclude our estimate. If you have any questions, please feel free to give Pamela or me a call. Thanks!!

Marianne
FOIA/PA Office
NSA
301-688-6527

----- Original Message -----

From: Hogan, James, CIV, WHS/ESD
To: 'Maryanne Stupar'
Sent: Wednesday, July 20, 2005 1:20 PM
Subject: RE: FOIA Request you are coordinating across DoD agencies

Maryanne,

OK, thank you very much, this helps. My guess is that SID will have a lot of time.

Jim

From: Maryanne Stupar [mailto:mgstupa@nsa.gov]
Sent: Wednesday, July 20, 2005 1:20 PM
To: Hogan, James, CIV, WHS/ESCD
Cc: mgstupa@nsa.gov
Subject: FOIA Request you are coordinating across DoD agencies

Jim

I checked with both of the POCs to whom I sent the search estimate request for that FOIA request from members of Congress.

One POC (from the SIGINT Directorate) is out in class through Friday. So I will have to see if I can coordinate SID's response with someone else in her office and get back to you on that portion.

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I will email you again, as soon as I have the SID response.

Thanks!
Marianne Stupar
NSA FOIA Office
301-688-6527

Hogan, James CIV WHS/ESD

From: Scott, CIV Jacqueline (PKI) (b)(6)
Sent: Friday, July 15, 2005 4:47 PM
To: Hogan, James, CIV, WHS/ESD
Cc: (b)(6)

Subject: RE: Congressional Request

Jim,

Received -- I did not receive items 4 and 5. I read items 1 and 3; agree #3 rests with USCENTCOM but not sure about #1. Please provide insight on why #1 would be USCENTCOM and not the Secretary of Defense or Chairman, JCS.

I'll be TDY next week -- (b)(6) will handle.

Break Break

(b)(6) -- immediate attention required; see second email for request. Please remind Jim to send items 4 and 5. The Command Action Group (CAG) handles all congressional responses for the command. Please ask (b)(6) to discuss with (b)(6) regarding CAG and congressional responses.

Thanks

JACQUELINE J. SCOTT

(b)(6)

-----Original Message-----

From: Hogan, James, CIV, WHS/ESD (b)(6)
Sent: July 15, 2005 13:45
To: Hogan, James, CIV, WHS/ESD; 'Greg L. Outlaw' (b)(6)@eucom.mil); 'Scott, CIV Jacqueline (PKI)'; 'Scott Kinsey'
Subject: RE: Congressional Request

Concerning my last message - please send me an email to let me know that you received it.

From: Hogan, James, CIV, WHS/ESD
Sent: Friday, July 15, 2005 1:29 PM
To: Greg L. Outlaw (b)(6)@eucom.mil); 'Scott, CIV Jacqueline (PKI)'; (b)(6)
Subject: Congressional Request
Importance: High

(b)(6) and Jackie,

Please note the attached FOIA request. Our plan is to get an estimate of fees (we have not yet determined whether we will grant a fee waiver) for the entire DoD and let the requesters know. Then, if and when the fee issue is settled, we will refer this for direct response.

Please estimate the number of hours it will take for your organization to search (not review or any other time) for the responsive information, and get back to me ASAP with that estimate. Please understand we

1/5/2006

may have to defend this estimate in court.

This request has high visibility in DoD, and it is imperative that you get back to me as soon as you can. For EUCOM, the relevant item for you is #5, for Operation Northern Watch. For CENTCOM, it would be items 1, 3, 4, and 5. For DIA, items 2 and 3.

Thank you,

Jim